

Message Text

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ACTION ACDA-19

INFO OCT-01 EA-11 IO-14 ISO-00 SCI-06 FEAE-00 EUR-25 H-03

CIAE-00 INR-10 NSAE-00 RSC-01 L-03 OIC-04 OMB-01 PA-04

PM-07 PRS-01 SAJ-01 SAM-01 SP-03 SS-20 USIA-15 TRSE-00

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P R 181706Z JUN 74

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 4563

INFO AEC GERMANTOWN PRIORITY

AMEMBASSY BANGKOK

UNCLAS SECTION 1 OF 2 IAEA VIENNA 5388

E.O. 11652: N/A

TAGS: IAEA TECH TH US

SUBJECT: THAILAND/IAEA NPT SAFEGUARDS AGREEMENT (PROTOCOL)

AS NOTED SEPTTEL, AGENCY'S PROPOSED REVISED TEXT OF PROTOCOL
FOLLOWS:

PROTOCOL TERMINATING THE AGREEMENT BETWEEN THE INTERNATIONAL
ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE KINGDOM OF
THAILAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA
FOR THE APPLICATION OF SAFEGUARDS AND TERMINATING THE
PROTOCOL SUSPENDING THAT AGREEMENT AND PROVIDING FOR THE
APPLICATION OF SAFEGUARDS PUSUANT TO THE NON-PROLIFERATION
TREATY

THE INTERNATIONAL ATOMIC ENERBY AGENCY (HEREINAFTER
REFERRED TO AS THE "AGENCY"), THE GOVERNMENT OF THE KINGDOM
OF THAILAND AND THE GOVERNMENT OF THE UNITED STATES OF
AMERICA:

RECOGNIZING THAT THE KINGDOM OF THAILAND, AS A NON-
NUCLEAR-WEAPON STATE PARTY TO THE TREATY ON THE NON-
PROLIFERATION OF NUCLEAR WEAPONS (HEREINAFTER REFERRED TO
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AS THE "TREATY"), HAS ON 16 MAY 1974 CONCLUDED WITH THE

AGENCY AN AGREEMENT FOR THE APPLICATION OF SAFEGUARDS (HEREINAFTER REFERRED TO AS THE "TREATY SAFEGUARDS AGREEMENT") PURSUANT TO PARAGRAPH 1 OF ARTICLE III OF THE TREATY; AND
RECOGNIZING THAT THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA HAVE CONCLUDED ON 16 MAY 1974 A PROTOCOL (HEREINAFTER REFERRED TO AS THE "SUPERSEDED PROTOCOL") PROVIDING FOR THE APPLICATION OF SAFEGUARDS BY THE AGENCY PURSUANT TO THE TREATY SAFEGUARDS AGREEMENT AND SUSPENDING THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS SIGNED ON 30 SEPTEMBER 1964 (HEREINAFTER REFERRED TO AS THE "SAFEUGARDS TRANSFER AGREEMENT") DURING THE TIME AND TO THE EXTENT THAT THE TREATY SAFEGUARDS AGREEMENT IS IN FORCE AND SAFEGUARDS SPECIFIED IN THE TREATY SAFEGUARDS AGREEMENT ARE BEING APPLIED BY THE AGENCY; AND

RECOGNIZING THAT THE SUSPENDED SAFEGUARDS TRANSFER AGREEMENT PROVIDES FOR THE APPLICATION OF SAFEGUARDS BY THE AGENCY TO MATERIALS, EQUIPMENT AND FACILITIES REQUIRED TO BE SAFEUARDED UNDER THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF THAILAND CONCERNING CIVIL USES OF ATOMIC ENERGY SIGNED ON 13 MARCH 1956, AS AMENDED ON 27 MARCH 1957, 11 JUNE 1960, 31 MAY 1962 AND ON 8 JUNE 1964 (HEREINAFTER REFERRED TO AS THE "SUSPERSEDED AGREEMENT"), TO ENSURE SO FAR AS IT IS ABLE THAT THEY WILL NOT BE USED IN SUCH A WAY AS TO FURTHER ANY MILITARY PURPOSE; AND
RECOGNIZING THAT THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF THAILAND HAVE CONCLUDED A SUPERSEDING AGREEMENT FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY WHICH WAS SIGNED ON 14 MAY 1974, (HEREINAFTER REFERRED TO AS THE "SUPERSEDING AGREEMENT"); AND
RECOGNIZING THAT UNDER ARTICLE X OF THE SUPERSEDING AGREEMENT THE GOVERNMENT OF THE KINGDOM OF THAILAND HAS

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GUARANTEED THAT NO MATERIAL, INCLUDING EQUIPMENT AND DEVICES, TRANSFERRED TO THE GOVERNMENT OF THE KINGDOM OF THAILAND OR AUTHORIZED PERSONS UNDER ITS JURISDICTION FROM THE UNITED STATES OF AMERICA PURSUANT TO THE SUPERSEDED AGREEMENT OR THE SUPERSEDING AGREEMENT AND NO SPECIAL NUCLEAR MATERIAL PRODUCED THROUGH THE USE OF SUCH MATERIAL, EQUIPMENT OR DEVICES WILL BE USED FOR ANY MILITARY PURPOSE; AND

RECOGNIZING THAT ARTICLE XII OF THE SUPERSEDING
AGREEMENT PROVIDES FOR THE SUSPENSION OF THE SAFEGUARDS
RIGHTS ACCORDED TO THE GOVERNMENT OF THE UNITED STATES
BY ARTICLE XI OF THAT AGREEMENT DURING THE TIME AND TO
THE EXTENT THAT THE GOVERNMENT OF THE UNITED STATES
OF AMERICA AGREES THAT THE NEED TO EXERCISE SUCH RIGHTS
IS SATISFIED BY THE TREATY SAFEUGARDS AGREEMENT:
HAVE AGREED:

1. THE SAFEGUARDS TRANSFER AGREEMENT IS HEREBY TERMINATED.

2. THE SUSPERSEDED PROTOCOL IS HEREBY TERMINATED.

3. THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA AGREE THAT THE
TREATY SAFEGUARDS AGREEMENT CONSTITUTES AN AGREEMENT OF
THE KIND REFERRED TO IN ARTICLE XII OF THE SUPERSEDING
AGREEMENT, AND THAT THE SAEFUGARDS RIGHTS ACCORDED TO THE
GOVERNMENT OF THE UNITED STATES OF AMERICA BY ARTICLE
XI OF THE SUPERSEDING AGREEMENT ARE DEEMED TO BE SUSPENDED
DURING THE TIME AND TO THE EXTENT THAT THE TREATY SAFE-
GUARDS AGREEMENT IS IN FORCE AND THE SAFEGUARDS SPECIFIED
THEREIN ARE BEING APPLIED BY THE AGENCY.

4. THE TREATY SAFEGUARDS AGREEMENT SHALL BE APPLIED AS
THEREIN PROVIDED TO NUCLEAR MATERIALS SUBJECT TO THE
SUPERSEDING AGREEMENT.

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5. IN THE EVENT THAT THE GOVERNMENT OF THE KINGDOM OF THAILAND INTENDS TO EXERCISE ITS DISCRETION IN ACCORDANCE WITH ARTICLE 14 OF THE TREATY SAFEGUARDS AGREEMENT TO USE ANY NUCLEAR MATERIAL REQUIRED TO BE SAFEGUARDED UNDER THAT AGREEMENT IN A MILITARY ACTIVITY NOT PROSCRIBED BY THE TREATY, THE GOVERNMENT OF THE KINGDOM OF THAILAND WILL SATISFY THE AGENCY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA THAT SUCH MATERIAL IS NOT SUBJECT TO THE GUARANTEES MADE TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA BY THE GOVERNMENT OF THE KINGDOM OF THAILAND IN ARTICLE X OF THE SUPERSEDING AGREEMENT, AND THAT NO MATERIALS, EQUIPMENT OR FACILITIES TRANSFERRED FROM THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND SUBJECT TO THE SUPERSEDING AGREEMENT ARE INVOLVED IN SUCH USE.

6. THIS PROTOCOL SHALL BE SIGNED BY OR FOR THE DIRECTOR GENERAL OF THE AGENCY AND BY THE AUTHORIZED REPRESENTATIVES OF THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND SHALL ENTER INTO FORCE ON THE DATE UPON WHICH THE SUPERSEDING AGREEMENT ENTERS INTO FORCE. THE TWO GOVERNMENTS SHALL NOTIFY THE AGENCY OF THE DATE OF THE ENTRY INTO FORCE OF THE SUPERSEDING AGREEMENT WITHIN ONE WEEK AFTER THAT DATE.

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DONE IN VIENNA, THIS IN TRIPLICATE IN THE
ENGLISH LANGUAGE. (SIGNATURES)

COMMENT: RE OPERATIVE PARAS 4 AND 5, AGENCY NOTES THAT ANY MATERIALS, EQUIPMENT OR FACILITIES TRANSFERRED UNDER SUPERSEDED AGREEMENT ARE SUBJECT TO SUPERSEDING AGREEMENT IN ACCORDANCE WITH ARTICLES X, XI AND XIII THEREOF. PORTER

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